

**DEPARTMENT OF EDUCATION
PROFESSIONAL STANDARDS BOARD**

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b) & 1220)

14 **DE Admin. Code** 1564

PROPOSED

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. §122(d)

1564 Physical Education Teacher

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1564 Physical Education Teacher. The regulation concerns the requirements for a Physical Education Teacher Standard Certificate in accordance with 14 **Del.C.** §1220.

The Board initially proposed to amend 14 **DE Admin. Code** 1564 Physical Education Teacher on March 1, 2024. The proposed amendments included adding new subsections 4.1.4 and 4.2.2, which would have required an applicant to complete at least 30 hours of physical education professional development provided by the Department unless the applicant completed at least 6 credits in teaching physical education. The Board received comments from Stephanie Ingram and Jon Neubauer on behalf of the Delaware State Education Association; Jason Cameron on behalf of the Delaware Association of School Personnel Administrators; and Tammy Croce on behalf of the Delaware Association of School Administrators who each commented in opposition to the proposed new subsections. On April 11, 2024, the Board considered the comments and withdrew the proposed regulation that was published on March 1, 2024.

On May 2, 2024, the Board voted to propose amendments to 14 **DE Admin. Code** 1564 Physical Education Teacher without the addition of the previously proposed subsections 4.1.4 and 4.2.2. The proposed amendments in this regulation include revising subsection 4.1.1.5, which concerns the requirements for an applicant who has completed a minimum of 91 days of successful long-term substitute teaching in a Delaware public school, and striking subsection 5.3.3. The revisions to subsection 4.1.1.5 and striking subsection 5.3.3 were prompted by HB 315 w/ HA 2 of the 151st General Assembly, which was signed into law on August 4, 2022. In addition, the definition of "Regionally Accredited" in Section 2.0 has been revised based on the changes the U.S. Department of Education made to its recognition of accrediting bodies and the term "Employing Authority" has been revised to eliminate a redundant phrase.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before July 2, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses a standard certificate for educators and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board

and school level. By statute (14 **Del.C.** § 1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Physical Education Teacher Standard Certificate but whose effectiveness is documented by the district or school. The amended regulation does not change a school district or charter school's ability to submit such a request. Section 6.0 is consistent with the statute.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 **Del.C.** Ch. 12 relating to licensure and certification of educators.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the amended regulation? There is no expected cost to the state and to the local school boards of complying with this amended regulation.

1564 Physical Education Teacher

1.0 Content

This regulation shall apply to the issuance of a Physical Education Teacher Standard Certificate pursuant to 14 **Del.C.** §1220(a). This Standard Certificate is required for all physical education teachers in Delaware public schools.

7 DE Reg. 775 (12/01/03)

10 DE Reg. 100 (07/01/06)

13 DE Reg. 1307 (04/01/10)

25 DE Reg. 1140 (06/01/22)

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning:

"Department" means the Delaware Department of Education.

"Educator" means a person licensed and certified by the State under 14 **Del.C.** Ch. 12 to engage in the practice of instruction, administration or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Professional Standards Board and approved by the State Board of Education. The term 'educator' does not include substitute teachers.

"Employing Authority" means any entity which employs educators, and includes, ~~but is not limited to,~~ school districts, charter schools, boards of directors, and management companies.

"Immorality" means conduct which is inconsistent with the rules and principles of morality expected of an educator and may reasonably be found to impair an educator's effectiveness by reason of the educator's unfitness or otherwise.

"License" means a credential which authorizes the holder to engage in the practice for which the license is issued.

"Regionally Accredited" means ~~educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher Education~~ institutional accreditation from an agency that was designated as a regional accreditor before July 1, 2020, and is currently recognized by the U.S. Secretary of Education as a reliable indicator of the institution's educational quality.

"Standard Certificate" means a credential issued to certify that an educator has the prescribed knowledge, skill or education to practice in a particular area, teach a particular subject, or teach a category of students.

"Standards Board" means the Professional Standards Board established pursuant to 14 **Del.C.** §1201.

"Valid and Current License or Certificate" means a current full or permanent certificate or license as an educator issued by another state or jurisdiction. This means the applicant is fully credentialed by having met all of the

requirements for full licensure or certification as an educator in another state or jurisdiction and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

7 DE Reg. 775 (12/01/03)

10 DE Reg. 100 (07/01/06)

13 DE Reg. 1307 (04/01/10)

25 DE Reg. 1140 (06/01/22)

3.0 Issuance of a Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Physical Education Teacher Standard Certificate to an applicant who:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003 and meets the requirements in Section 4.0 of this regulation; or
 - 3.1.2 Has met the requirements for an educator's license in Delaware and presents proof of a Valid and Current License or Certificate as a physical education teacher issued by another state or jurisdiction.
- 3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Physical Education Teacher Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include but are not limited to conduct such as Immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation's resolution.

25 DE Reg. 1140 (06/01/22)

4.0 Prescribed Education, Knowledge, and Skill Requirements

- 4.1 For an applicant who does not hold a content area Standard Certificate, the applicant shall have satisfied the requirements in subsections 4.1.1 ~~and 4.1.2 through 4.1.3.~~
 - 4.1.1 The applicant shall have satisfied 1 of the following education requirements:
 - 4.1.1.1 Obtained and currently maintain a Physical Education certificate from the National Board for Professional Teaching Standards; or
 - 4.1.1.2 Earned a bachelor's degree from a Regionally Accredited college or university with a minimum of 30 semester hours of coursework in physical education from an educator preparation program approved or recognized by the Council for the Accreditation of Educator Preparation (CAEP) or a state where the state approval body employed the appropriate standards; or
 - 4.1.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach physical education as provided in 14 **Del.C.** §§1260 - 1266; or
 - 4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in physical education; or
 - 4.1.1.5 ~~If the applicant is applying for an Initial License after the applicant completed a minimum of 91 days of successful long-term substitute teaching in a Delaware public school as provided in subsection 4.1.3.1 of 14 **DE Admin. Code** 1510, earned a bachelor's degree from a Regionally Accredited college or university in any content area and also satisfactorily completed 15 college credits or an equivalent number of hours in professional development with 1 credit equating to 15 hours taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department related to physical education of which at least 6 credits focus on pedagogy. If the applicant has been issued an Initial License and a Physical Education Teacher Emergency Certificate after the applicant has completed a minimum of 91 days of successful long-term substitute teaching in a Delaware public school, as provided in subsection 4.1.3.1 of 14 **DE Admin. Code** 1510, in order to be issued the Physical Education Teacher Standard Certificate, the applicant shall have satisfactorily completed 15 college credits from a Regionally Accredited college or university in generic or content-specific education courses that are applicable to the Physical Education Teacher Standard Certificate of which at least 6 credits focus on pedagogy and as approved by the Department. A course is applicable to the Physical Education Teacher Standard Certificate if the course is equivalent to a course that is included in the curriculum of an equivalent education degree from a program approved by the Department.~~

- 4.1.1.5.1 ~~The applicant, in consultation with the applicant's Employing Authority, shall select the 15 credits or the equivalent number of hours in professional development subject to the Department's approval.~~
- 4.1.1.5.2 ~~If the applicant does not have an Employing Authority or is applying for a Standard Certificate outside of the applicant's current spectrum of employment, the applicant shall select the 15 credits or the equivalent number of hours in professional development in consultation with the Department and subject to the Department's approval.~~
- 4.1.1.5.3 ~~For the purpose of subsection 4.1.1.5, professional development means a combination of focused, in-depth learning, practice, feedback, reflection, and expert support experiences designed to change the participants' attitudes, insights, and perspectives and ultimately results in improved professional practice.~~

4.1.1.5.4 ~~Professional development hours may be approved if the applicant shows that the activity meets all of the following criteria:~~

4.1.1.5.4.1 ~~Relevant courses from a Regionally Accredited college or university in physical education are not available to the applicant online or in the applicant's county of residence; and~~

4.1.1.5.4.2 ~~The activity is grounded in research and current best practices as judged by the Department's content specialist in physical education; and~~

4.1.1.5.4.3 ~~The activity is documented by the provider to provide knowledge and skills that are required for the physical education certification; and~~

4.1.1.5.4.4 ~~The activity is part of a professional development program that includes knowledge acquisition, skill mastery, descriptive feedback, and refinement of practice in the work setting.~~

4.1.2 The applicant shall have achieved the minimum score on 1 of the following examinations:

4.1.2.1 A minimum score of 152 on the Praxis Subject Assessment - Physical Education: Content Knowledge (ETS Test Code # 5091); or

4.1.2.2 A minimum score of 160 on the Praxis Subject Assessment - Health and Physical Education - Content Knowledge (ETS Test Code # 5857).

4.1.3 Notwithstanding the requirement in subsection 4.1.2, if the applicant did not achieve the minimum score on ~~one~~ 1 of the examinations in subsection 4.1.2, the applicant shall meet the requirements set forth in 14 **DE Admin. Code** 1519 Multiple Measures for Demonstrating Content Knowledge.

4.2 For an applicant who holds at least 1 content area Standard Certificate, the applicant shall have achieved the minimum score on 1 of the examinations as provided in subsection 4.1.2. Notwithstanding the foregoing, if the applicant did not achieve the minimum score, the applicant shall meet the requirements set forth in 14 **DE Admin. Code** 1519 Multiple Measures for Demonstrating Content Knowledge.

25 DE Reg. 1140 (06/01/22)

26 DE Reg. 587 (01/01/23)

5.0 Application Requirements

5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for the Initial License, and the applicant shall also provide all required documentation for the License.

5.2 If the applicant is also applying for the issuance or renewal of an educator's license or paraeducator's permit, the applicant must disclose the applicant's criminal conviction history upon application. Failure to disclose a criminal conviction history is grounds for denial of the license or permit application as specified in 14 **Del.C.** §1219 and it could delay the processing or result in the denial of the application for a Physical Education Teacher Standard Certificate.

5.3 For an applicant who does not hold a content area Standard Certificate, the following documentation is required with the application for a Physical Education Teacher Standard Certificate:

5.3.1 Evidence of obtaining and maintaining a Physical Education certificate from the National Board for Professional Teaching Standards, if applicable; and

5.3.2 Official transcript from the applicant's Regionally Accredited college or university.

5.3.2.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or

5.3.2.2 Sealed paper transcripts may be submitted.

5.3.2.3 The Department will not accept copies of transcripts; and

5.3.3 ~~Documents verifying successful completion of Department-approved professional development, if applicable; and~~

- ~~5.3.4~~ ~~5.3.3~~ An experience form, completed in full and signed by the applicant, if applicable; and
- ~~5.3.5~~ ~~5.3.4~~ Official score on the Praxis Subject Assessment as provided in subsection 4.1.2; and
- ~~5.3.6~~ ~~5.3.5~~ Additional documentation as required by the Department.

5.4 For an applicant who holds at least 1 content area Standard Certificate, the following documentation is required in the application for a Physical Education Teacher Standard Certificate:

- 5.4.1 Official score on the Praxis Subject Assessment as provided in subsection 4.2; and
- 5.4.2 Additional documentation as required by the Department.

5.5 For applicants who have met the requirements for licensure as an educator in Delaware and hold a Valid and Current License or Certificate in physical education from another state or jurisdiction, the following documentation is required in the application for a Physical Education Teacher Standard Certificate:

- 5.5.1 An official copy of the Valid and Current License or Certificate; and
- 5.5.2 Additional documentation as required by the Department.

25 DE Reg. 1140 (06/01/22)

26 DE Reg. 587 (01/01/23)

6.0 Secretary of Education Review

6.1 The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for a Physical Education Teacher Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Physical Education Teacher Standard Certificate but whose effectiveness is documented by the local school district or charter school.

- 6.1.1 For school districts, requests shall be approved by the superintendent of the school district.
- 6.1.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

25 DE Reg. 1140 (06/01/22)

7.0 Validity of a Standard Certificate

- 7.1 A Physical Education Teacher Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License remains current and valid.
- 7.2 A Physical Education Teacher Standard Certificate is not subject to renewal.

25 DE Reg. 1140 (06/01/22)

8.0 Disciplinary Action

- 8.1 An Educator's Physical Education Teacher Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 **DE Admin. Code** 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.
- 8.2 An Educator's Physical Education Teacher Standard Certificate shall be revoked if the Educator's Initial, Continuing, or Advanced License or Standard or Professional Status Certificate is revoked or the Educator made a materially false or misleading statement in the Educator's application in accordance with 14 **Del.C.** §1222.
- 8.3 An Educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 **DE Admin. Code** 1515 Hearing Procedures and Rules.

25 DE Reg. 1140 (06/01/22)

9.0 Past Certificate Recognized

The Department shall recognize a Physical Education Teacher Standard Certificate issued prior to the effective date of this regulation. An Educator holding such a Standard Certificate shall be considered certified to teach physical education.

25 DE Reg. 1140 (06/01/22)

10.0 Contact Information and Change of Name or Address

- 10.1 All applicants and Educators are required to update their contact information in DEEDS if their contact information changes.
- 10.2 An Educator who legally changes the Educator's name and wishes to change the name on the Physical Education Teacher Standard Certificate shall provide a notarized copy of evidence of the name change such as a marriage license or court action.
- 10.3 An applicant or Educator whose mailing address, email address, or phone number changes shall provide the Department with the new mailing address, email address, or phone number within 14 calendar days of the change.

7 DE Reg. 775 (12/01/03)

10 DE Reg. 100 (07/01/06)

13 DE Reg. 1307 (04/01/10)

19 DE Reg. 503 (12/01/15)

25 DE Reg. 1140 (06/01/22)

26 DE Reg. 587 (01/01/23)

27 DE Reg. 944 (06/01/24) (Prop.)